THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.7185 OF 2006

DATED: 01-02-2007

BETWEEN

Mrs. Chava Lakshmi Sambrajyam,
W/o. Sri Chava Shivaji, R/o. 2nd Lane,
Nalanda Nagar, Ring Road, Guntur.

...PETITIONER

AND

The Station House Officer,
Pattabhipuram Law & Order Police Station,
Guntur and another.

...RESPONDENTS

ORDER:

Petitioner seeks a Writ of Mandamus to declare the inaction of the first respondent in not arresting the second respondent for the offence under Section 498-A and 406 of Indian Penal Code, 1860 and Sections 3 and 4 of Dowry Prohibition Act in Cr.No.164 of 2005 on the file of the first respondent as illegal and arbitrary.

2. Counter has been filed stating that the private complaint filed by the petitioner before the VII Additional Munsif Magistrate was referred to the police for enquiry and investigation and on receipt of the same a case in Cr.No.164 of 2005 was registered for the offence under Sections 498-A and 406 IPC and Sections 3 and 4 of Dowry Prohibition Act and took up investigation. It is stated that the evidence collected during the course of investigation disclosed that it is a false case and accordingly after obtaining permission from the
Sub-Divisional Police Officer, Guntur, the case was referred as false and before filing a final report, a notice was also served on the

petitioner on 09.05.2006. The final report also has been filed before the learned Magistrate on 11.05.2006.

3. In view of the aforesaid filing of the final report no further orders are necessary in this writ petition. However, it is always open to the petitioner to challenge the said final report by taking appropriate steps before the concerned Magistrate.

The writ petition is accordingly dismissed. There shall be no order as to costs.

_____
V. ESWARAIAH, J

February 1, 2007
DSK